



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2408477
Applicant Name: Tyler Goodmanson for Soleil, LLC
Address of Proposal: 7938 Densmore Ave N

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two (2) lots as a unit subdivision. Proposed lot sizes are approximately: A) 2,425.9 square feet and B) 1,731.7 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related projects: Demolish the attached carport on the existing single family residence and establish use as and construct a second single family structure on site and occupy per plan all under MUP No. 2402899 Permit No. 745431.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two lots as a unit subdivision.
(Chapter 23.24, Seattle Municipal Code)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

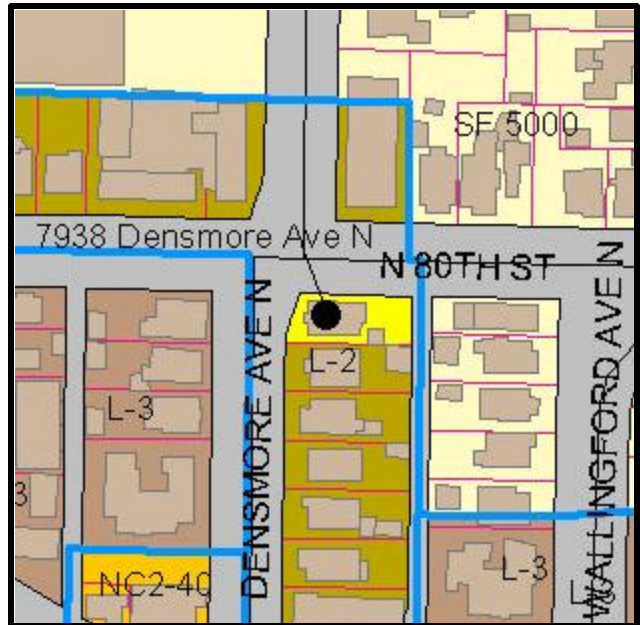
☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 4,157 square foot property is located on the south side of N 80th St, between Densmore Ave N and Wallingford Ave N. The subject lot is zoned Multi-family Lowrise 2 (L2). In the immediate vicinity to the north surrounding lots are zoned Lowrise 1 (L1) and Single Family 5000 (SF 5000). To the south, southeast and southwest lots are zoned Neighborhood Commercial (NC2-40) and Lowrise 3 (L3) respectively. To the east lots are zoned SF 5000. To the west lots are zoned L3. In the immediate vicinity development consists of a mix of newer small scale multi-family structures with some one and two-story single-family dwelling units all consistent with zoning.



Proposal

The proposal is to subdivide one parcel into two (2) unit subdivision lots with direct pedestrian access provided for both proposed unit lots. Proposed unit lot A has direct pedestrian access to Densmore Ave N and proposed unit lot B has direct pedestrian access to N 80th St. Proposed unit lot B also has pedestrian access to Densmore Ave N by way of a pedestrian easement across unit lot A. The new single family structure has been reviewed for applicable code compliance under MUP No. 2402899 Permit No. 745431. Both single family dwellings are provided vehicle access from the abutting concrete 16' alley. Each unit will have a parking space for a total of two (2) spaces for the site.

Public Comments

The comment period for this proposal ended on December 8, 2004. During the public comment period, DPD received one written comment related to the project. The comment was related to problems with parking, alley congestion, and visual appeal of the development.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

- 1. Conformance to the applicable Land Use Code provisions;*
- 2. Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
- 3. Adequacy of drainage, water supply, and sanitary sewage disposal;*

4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for multi-family Lowrise 2 (L2) use. The allowable density of the subject property is one unit per sixteen-hundred (1600) square feet of lot area. Given a lot area of approximately 4,157 square feet, a total of three (3) units are allowed and one single family dwelling is currently being constructed. The existing single family structure is to remain for a total of two units on the site. Maximum lot coverage is 40%. Front setbacks are an average of the setbacks of the first principal structures on either side, the maximum required setback is fifteen (15) feet and the minimum is five (5) feet. The minimum side setback is five (5) feet; the actual required setback is based on the height of the facade adjacent to the side property line. Rear setback is either twenty-five (25) feet or twenty (20) percent of the lot depth, whichever is less, but in no case less than fifteen (15) feet. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#250406-1-008) in order to provide for electrical facilities and service to the proposed lots, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on November 16th, 2004 (WAC ID No. 20041775). There is an eight (8) inch standard water main located in Densmore Ave N which serves the site.

Sanitary Sewer: At the time of building permit application review, the DPD Site Development staff confirmed that a public sanitary sewer is available and is of adequate capacity for sanitary discharge from new construction on the ULS site. A Side Sewer Permit has been issued, or will be issued, for connection of the project's side sewer to the public sewer. The Side Sewer Permit includes, or will include, the necessary easement and connection agreement documents.

Drainage: At the time of building permit application review (MUP No. 2402899 Permit No. 745431), DPD determined the discharge point for the project stormwater runoff and designated, or approved, the project stormwater control method. A Side Sewer Permit has been issued, or will be issued, for the connection of the project's service drains to an approved discharged point. The necessary easement and connection documents will be included with the Side Sewer Permit.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

SMC 23.45.015 (C.1.b) requires that all new multifamily dwelling units plant or preserve on site trees. The building permit was reviewed for consistency with the zoning requirements for tree planting and the Tree Protection ordinance (SMC 25.11) under MUP No. 2402899 Permit No. 745431.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
 - A. *The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
 - B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
 - C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
 - D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
 - E. *A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.*
 - F. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*
 - G. *The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

One new single family structure is currently being developed on site in addition to the exiting single family residence, which is to remain. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit lots if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development

may be limited due to nonconformities; the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under MUP No. 2402899 Permit No. 745431. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A and B are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

This subdivision application is not a short subdivision but rather a unit lot subdivision, therefore this section does not apply.

Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The proposed development is two single family residences. The structures, as reviewed under their separate building permits, conform to the development standards for the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant will be required to add a note to the face of the plat that reads as follows: *“The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code.”* A joint use and maintenance agreement will be required as conditioned at the end of this decision. Open space will be provided on each site.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for final approval and pay any necessary fees.
3. Insert the following on the face of the plat: “The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”
4. Include an easement to provide for electrical facilities and service as required by Seattle City Light.

Signature: (signature on file) Date: February 10, 2005
Lucas DeHerrera, Land Use Planner